



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

HD:hd  
Docket No: 05358-99  
11 February 2000

LCDR [REDACTED] III USN  
[REDACTED]

Dear Commander [REDACTED]:

This is in reference to your application dated 11 August 1999, seeking reconsideration of your previous application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. Your previous case, docket number 8274-94, was denied on 13 July 1995.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, reconsidered your case on 3 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your current application, together with all material submitted in support thereof, the Board's file on your prior case, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 30 November 1999, a copy of which is attached. The Board also considered your letter dated 23 January 2000.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, the Board again voted to deny relief. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



5358-99

**DEPARTMENT OF THE NAVY**  
**BUREAU OF NAVAL PERSONNEL**  
**5720 INTEGRITY DRIVE**  
**MILLINGTON TN 38055-0000**

1611  
Ser 834C/1795  
30 Nov 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: LCDR [REDACTED] S, USN, [REDACTED]

Ref: (a) BCNR memo 5420 Pers-00ZCB of 3 Nov 99  
(b) CO, HSL-35, ltr 5800 Ser 10/261 of 20 Jun 90  
(c) SECNAVINST 5300.29A

Encl: (1) BCNR file 05358-99

1. Reference (a) requested comments and recommendations concerning the removal of reference (b), LCDR [REDACTED] civil conviction for reckless driving. Enclosure (1) is returned as a matter under the purview of BCNR.

2. By reference (b), LCDR [REDACTED] pled and was found guilty of reckless driving. He also pled not guilty to a count of driving under the influence (DUI) which was dismissed. Reference (c) directs all substantiated DUIs shall be appropriately documented via appropriate administrative record entries. LCDR [REDACTED] plea and conviction to a lesser charge meets the standard of a substantiated DUI per reference (c). Accordingly, the matter was placed in his permanent personnel record. As this action is consistent with applicable directives and the handling of similar cases, I do not recommend removal of the matter from his record.

[REDACTED]  
[REDACTED]  
[REDACTED]  
Commander, U.S. Naval Reserve  
Director, Personnel Performance &  
Security Division (PERS-83)